IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA-CIVIL DIVISION

HURUBIE MEKO and LNP MEDIA

GROUP, INC.,

Petitioners

vs. : No. CI-21-00277

CITY OF LANCASTER
Respondents

PETITION TO INTERVENE

TO THE HONORABLE JUDGES OF SAID COURT:

AND NOW, comes Heather L. Adams, District Attorney of Lancaster County, Pennsylvania, by and through Andrew J. Gonzalez, Assistant District Attorney, and respectfully presents the following Petition to Intervene:

- 1. The evening of September 13, through the early morning of September 14, 2020, a large number of protestors gathered outside of the Lancaster City Bureau of Police.
- 2. During that time, there were several acts of vandalism, disorderly conduct, and riotous behavior. Those actions ultimately led to criminal charges, several of which are currently being prosecuted by the Office of the District Attorney before the Criminal Division of this Honorable Court. The footage Petitioners seek is evidence in these prosecutions.
- 3. Pursuant to Section 67A06(c) of the Judicial Code, the "prosecuting attorney with jurisdiction may intervene in [a Petition for Judicial Review of an Act 22 denial] as a matter of right." 42 Pa. C.S.A. § 67A06(c).

4) copies to Andrew J. Gonzalez, ADA at 4. The Office of the District Attorney has jurisdiction to, and is, prosecuting offenses portrayed in the video footage Petitioners seek to obtain. As such, the Office of the District Attorney has the statutory right to intervene in the present action. 42 Pa. C.S.A. § 67A06(c). ¹

5. As noted in the denial by City of Lancaster, the footage Petitioner seeks is part and parcel of pending criminal prosecutions and must be safeguarded to provide the accused parties, and the Commonwealth, with their constitutional right to a fair trial.

WHEREFORE, for the foregoing reasons and pursuant to Section 67A06(c) of the Judicial Code, the Office of the District Attorney of Lancaster County, respectfully requests that it be permitted to intervene as of right in the instant action.

Respectfully submitted,

OFFICE OF THE DISTRICT ATTORNEY

Andrew J. Gonzalez Assistant District Attorney

¹ The Office of the District Attorney would also be entitled to intervene under the Rules of Civil Procedure, as an adverse ruling would affect their legally enforceable interests in the evidence Petitioner seeks. Pa. R. Civ. P. 2327(4).

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PROOF OF SERVICE

I hereby certify that I am this day serving one (1) copy of the foregoing, "Petition to Intervene" upon the person(s) at the address(es) set forth below by via electronic mail:

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Neil Albert, Esquire Counsel for Respondent 848 East Main Street, #121 Ephrata, PA 17522 nla@neilalbertlaw.com

DATE: 1/27/21

By:

Andrew J. Gonzalez
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vs. : No. CI-21-00277

:

CITY OF LANCASTER

Respondents, :

:

and

:

THE OFFICE OF THE DISTRICT

ATTORNEY OF LANCASTER COUNTY
Intervenor.

ORDER

AND NOW this _____ day of January, 2021, upon consideration of the Petition to Intervene, and pursuant to Section 67A06(c) of the Judicial Code, the Office of the District Attorney of Lancaster County in granted leave to intervene, and the caption shall be revised to indicate the Office of the District Attorney of Lancaster County as an intervenor. The parties shall follow schedule issued in this matter on January 19, 2021.

BY THE COURT:
LEONARD G. BROWN, III, JUDGE